

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROME TARIK ALI,

Plaintiff,

v.

OPINION AND ORDER

21-cv-286-wmc

CHRISTINE TAYLOR,

Defendant.

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*Pro se* plaintiff Rome Tarik Ali brings this action against a Dane County Circuit Court judge, alleging that the judge lacks jurisdiction over him in an ongoing criminal matter. Ali is proceeding without prepayment of the filing fee, so his complaint must be screened to determine whether any portion is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). For the following reasons, the complaint must be dismissed because Taylor is immune from suit.

ALLEGATIONS OF FACT<sup>1</sup>

Ali, who resides in Madison, Wisconsin, seeks to proceed against Christine Taylor, the judge who is currently presiding over a criminal case proceeding against Ali in Dane County Circuit Court. In relation to that case, Ali alleges that he made a “special

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<sup>1</sup> In addressing any *pro se* litigant’s complaint, the court must read the allegations generously, resolving ambiguities and drawing reasonable inferences in plaintiff’s favor. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). For purposes of this order, the court assumes the following facts based on the allegations in plaintiff’s complaint and supplemental filings. (Dkt. ##1, 12.) The court also takes judicial notice of public docket information available online via Wisconsin’s Circuit Court Access Program for Dane County Case No. 2019CM458, which Ali references in his supplemental filings, indicating that defendant Taylor is the presiding judge and that it is a criminal matter involving a misdemeanor charge.

appearance” at a hearing on March 29, 2021, regarding possible dismissal of the charge against him and the return of certain of Ali’s property. Although Ali immediately challenged the court’s jurisdiction by placing his “status” on the record, he alleges that the judge erroneously concluded that Ali’s challenge was untimely, proceeded with the hearing and ruled against him without the authority to do so. (Dkt. #1 at 3.) Ali does not specify in the complaint what he means by his “status,” but he refers to himself in supplemental affidavits as “a Foreign National with allegiance to the Moroccan Empire” who is “foreign to the United States of America corporation not the land,” and asks that his state court case be “settled” or dismissed. (Dkt. ##12-2 at 3, 12-3 at 4, 6.) It appears that Ali has also submitted these affidavits to the state court. Ali maintains that Taylor lacks jurisdiction over him and is “in breach” of her “oath to uphold and defend the Constitution.” (Dkt. #1 at 3.) He requests monetary damages and that Taylor be prosecuted for treason.

## OPINION

The court understands plaintiff to be seeking relief for what he alleges is unconstitutional misconduct by the judge presiding over his state court criminal proceedings, but his complaint suffers from a number of problems. To start, plaintiff is a private citizen and not entitled to an order requiring Taylor’s prosecution for treason or any other crime. *Del Marcell v. Brown Cnty. Corp.*, 680 F.3d 887, 901-02 (7th Cir. 2012) (Easterbrook, C.J., concurring) (citations omitted); *see also Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.”).

Plaintiff also seeks damages, but his criminal proceedings are ongoing. Principles of equity, comity, and federalism preclude federal courts from hearing cases involving federal constitutional claims that may interfere with ongoing state proceedings. *Younger v. Harris*, 401 U.S. 37, 45 (1971). Normally, the court would stay this case pending resolution of the underlying state court criminal case. *See Gakuba v. O'Brien*, 711 F.3d 751, 753-54 (7th Cir. 2013) (finding that when a plaintiff seeks monetary damages related to an ongoing state proceeding, a stay, rather than dismissal without prejudice, is necessary to preserve the plaintiff's civil rights damages claims).

However, plaintiff cannot recover damages from Taylor because she is immune from money damages for actions taken in her capacity as a judge. *See Mireles v. Waco*, 502 U.S. 9, 11 (1991) (explaining that judges are entitled to absolute immunity; “judicial immunity is not overcome by allegations of bad faith or malice”). An exception to the rule of absolute judicial immunity is when a judge “has acted in the clear absence of all jurisdiction.” *Stump v. Sparkman*, 435 U.S. 349, 356-57, 359 (1978). Plaintiff alleges that Taylor has no jurisdiction over him because he has invoked his “status,” presumably as a “Foreign National with allegiance to the Moroccan Empire,” on the record. (Dkt. ##1 at 3, 12-2 at 3.) But that sovereign-citizen “belief, sincerely held or not, is not a valid basis for avoiding state or federal jurisdiction,” or otherwise forms a basis for finding that Taylor is acting outside of her judicial capacity. *Williams El v. City of Sheboygan*, No. 18-cv-293-jps, 2018 WL 2416582, at \* 2-3 (E.D. Wis. May 29, 2018); *see also United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) (“We have repeatedly rejected [defendants’] theories of individual sovereignty, immunity from prosecution, and their ilk.”); *McCauley-Bey v.*

*Meuris*, No. 21-2149, 2022 WL 1055560, at \*1 (7th Cir. April 8, 2022) (courts should summarily reject “arguments that a defendant is sovereign and beyond the jurisdiction of the courts”). Indeed, states generally have jurisdiction over crimes that are committed within their borders, and “[r]egardless of an individual’s claimed status of descent, . . . that person is not beyond the jurisdiction of the courts.” *Benabe*, 654 F.3d at 767. If the plaintiff disagrees with the judge’s decisions or rulings in his criminal case, he should appeal those decisions to the Wisconsin Court of Appeals at the appropriate time. *See Dawson v. Newman*, 419 F.3d 656, 660-61 (7th Cir. 2005) (even “[i]f a judge errs through inadvertence or otherwise, a party’s remedy is through the appellate process”).

Accordingly, the court will dismiss plaintiff’s complaint. *See Shaw v. County of Milwaukee*, No. 21-1410, 2022 WL 1001434, at \*2 (7th Cir. April 4, 2022) (affirming dismissal of § 1983 claims against the judge, prosecutor and standby counsel involved in plaintiff’s ongoing state criminal cases as immune from suit, but remanding remaining civil rights damages claims against the county and several police officers with instructions to stay those claims). Although courts generally permit civil plaintiffs at least one opportunity to amend their pleadings, the court need not do so where the amendment would be futile. *See Bogie v. Rosenberg*, 705 F.3d 603, 608 (7th Cir. 2013) (“[l]eave to amend need not be granted, however, if it is clear that any amendment would be futile”). Allowing plaintiff to amend his complaint would not change the fact that the judge is immune from suit for her role in the criminal judicial process.

ORDER

IT IS ORDERED that:

- 1) Plaintiff Rome Tarik Ali is DENIED leave to proceed, and his complaint is DISMISSED with prejudice.
- 2) The clerk of court is directed to close this case.

Entered this 22nd day of April, 2022.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge